

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MOTOROLA, INC.,

Case No. 1:08-cv-05427

Plaintiff,

v.

Judge Matthew F. Kennelly
Magistrate-Judge Geraldine Soat Brown

LEMKO CORPORATION, XIAOHONG SHENG, SHAOWEI PAN, HANJUAN JIN, XIAOHUA WU, XUEFENG BAI, NICHOLAS LABUN, BOHDAN PYSKIR, HECHUN CAI, JINZHONG ZHANG, ANGEL FAVILA, ANKUR SAXENA, RAYMOND HOWELL, FAYE VORICK and NICHOLAS DESAI,

Defendants.

LEMKO CORPORATION, SHAOWEI PAN, XIAOHUA WU and XIAOHONG SHENG,

Counter-Plaintiffs,

v.

MOTOROLA, INC.,

Counter-Defendant.

**LEMKO'S RESPONSE TO MOTOROLA'S MOTION
TO LIFT STAY REGARDING SUBPOENAS**

Currently pending before the Court is Motorola's Motion to Lift Stay Regarding Subpoenas [Dkt. 765]. Motorola's motion relates to the dozens of third party subpoenas that were served by Motorola in January of 2011. Shortly after becoming aware of these subpoenas, Lemko filed a Motion for Protective Order seeking to stay the subpoenaed parties' compliance obligations, and to limit the scope of the subpoena topics [Dkt 698]. The Court granted Lemko's motion in part, and ordered that further activity relating to compliance with the subpoenas be

stayed while the parties explored settlement [Dkt. 707]. In that Order, the Court stated its intent to issue a further Order at a later date as to the scope of the subpoenas, if necessary [Dkt. 707].

An initial hearing on Motorola's Motion to Lift Stay Regarding Subpoenas was conducted on July 28, 2011. During that hearing, counsel for Motorola indicated that a significant number of the subpoenaed parties had already responded to the subpoenas as originally served. The Court continued Motorola's motion and scheduled a hearing for August 9, 2011 at 9:30 am [Dkt. 771].

In view of the representation made by Motorola's counsel that many of the subpoenaed parties have already responded to the subpoenas as originally served, Lemko has concluded that there is little, if any, point in attempting to negotiate a narrower set of subpoena topics with Motorola. Lemko therefore has no objection to the Court now lifting its previous Order which stayed further compliance with the subpoenas. For the same reason, Lemko's Motion for Protective Order [Dkt. 698] – to the extent it remains pending in part – is now effectively moot. In taking this position, Lemko does not waive any objections on behalf of any third party subpoenaed by Motorola to date or in the future.

Respectfully submitted,

/s/ Robert A. Conley _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 3, 2011 the foregoing

LEMKO'S RESPONSE TO MOTOROLA'S MOTION TO LIFT STAY REGARDING SUBPOENAS

was filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel of record.

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I certify that all parties in this case are represented by counsel who are CM/ECF participants.

/s/ Robert A. Conley

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